tion of the ordinance the constitutionality of the state law was questioned. *Held,* the word "inhabitants" means inhabitants of the county, and the law is unconstitutional, since the game and fish belong to the state at large. *State* v. *Hill* (1910), — Miss. —, 53 South. 411.

Game and fish within the borders of the state belong to all the inhabitants of the state, and no person can acquire any absolute title except by capture. *Ex Parte Louis Fritz,* 86 Miss. 210; *State* v. *Buckingham,* 93 Miss. 846; *Harper* v. *Galloway,* 58 Fla. 255; *State* v. *Mallory,* 73 Ark. 236; *Ex parte Kenneke,* 136 Cal. 527. An act making it unlawful for a citizen of one county to fish in another county without a permit from that county, was held unconstitutional as abridging guaranteed rights. *State* v. *Higgins,* 51 S. C. 51. An attempt by the state to allow only taxpayers to take oysters from state beds was held unconstitutional. *Gustafson* v. *State,* 40 Tex. Cr. R. 67. It is clear from the authorities that the state may legislate as it sees fit for the protection and preservation of game and fish as long as all the people of the state are treated alike as to their rights. *Bittenhaus* v. *Johnston,* 92 Wis. 588.

CONSTITUTIONAL LAW—LIBERTY AND FREEDOM OF CONSCIENCE—RIGHT TO WEAR A RELIGIOUS GARB IN PUBLIC SCHOOLS—POWER OF THE LEGISLATURE.—The appellants, public school directors, were indicted for violation of a law of Pennsylvania (act of June, 1895, P. L. 395) that made such directors liable to fine for permitting any teacher to wear, in a public school over which they had control, the garb of a religious order, sect, or denomination. On demurrer to the indictment, the constitutionality of the law was questioned, in that it interfered with freedom in modes of worship, and in effect disqualified persons from holding office, or places of trust or profit on account of their religious sentiments. *Held,* the law is directed against actions, not beliefs, and is constitutional. *Commonwealth* v. *Herr et al.* (1910), — Pa. —, 78 Atl. 68.

The law was passed apparently to do what the court did not do in *Hysong* v. *School District,* 164 Pa. 629; cited in 9 MICH. L. REV. 68. The supreme court there held, when there was no statute on the subject, that it was not unconstitutional to employ in the public schools persons who wore, while teaching, a religious garb. Is the new statute constitutional? A Legislature may pass any law not prohibited to it by the state or federal constitutions. *Com.* v. *McCloskey,* 2 Rawle 369; *People* v. *Lawrence,* 54 Barb. 589. Nothing but a clear usurpation of powers prohibited will justify a court in declaring an act unconstitutional. *Penna. R. R. Co.* v. *Riblet,* 66 Pa. 164. Nor can the court question the motive of the Legislature. *Commonwealth* v. *Moir,* 199 Pa. 534. No legislative body in the United States can pass a law prohibiting the free exercise of religion. *Reynolds* v. *United States,* 98 U. S. 145. However, certain acts which are the result of certain religious beliefs may be prohibited, because the public welfare is involved. *Toncray* v. *Budge,* 14 Idaho 621; *In re Frazee,* 63 Mich. 396. Polygamy may be abolished. *Reynolds* v. *United States,* supra; *Davis* v. *Beason,* 133 U. S. 333. A Jew who would not be sworn in court on Saturday because it was his Sabbath was fined. *Stansbury* v. *Marks,* 2 Dall. 213. Religious organizations may be prohibited

from using a drum or other musical instrument on the street without a permit. *Wilkes-Barre* v. *Garabed,* 11 Pa. Super. Ct. 355; *Mashburn* v. *Bloomington,* 32 Ill. App. 245; *State* v. *White,* 64 N. H. 48. Making it a misdemeanor to omit to furnish medical attendance to a minor is not unconstitutional as interfering with the religious freedom of a layman who believes that prayer for Divine aid is the proper remedy for sickness. *People* v. *Pierson,* 176 N. Y. 201. A regulation prohibiting teachers in public schools from wearing a religious garb was upheld in New York. *O'Connor* v. *Hendrick,* 184 N. Y. 421. There is no question but that the principal case is in line with the authorities.

CONTRACTS—IMPLIED CONTRACTS—PERSONS IN FAMILY RELATIONS.—Appellee had been taken by decedent at the age of four years and reared as the son of the decedent, who was childless. In an action by appellee to recover for care and board of decedent it was *held,* no implied promise arises where the circumstances are such that the implication will be inequitable. *Irwin* v. *Jones* (1910), — Ind. App. —, 92 N. E. 787.

Implied contracts fall under two general heads, (1) Where a man takes property and the owner waives the tort and sues in assumpsit, *i. e.* where there is no meeting of minds; (2) Where the minds of the parties meet, and their meeting results in an unexpressed agreement. The claim made in the principal case falls under the second head. Where one person renders services for another, or supports another, the relationship of the parties is of great weight in determining their intention for the purpose of saying whether a contract to pay is to be implied. *Howe* v. *North,* 69 Mich. 272; *Heywood* v. *Brooks,* 47 N. H. 231. The jury may in fact declare what is honest between parties, and yet only succeed in correcting one evil by a greater one. Citizens have a right to form connections on their own terms and to be judged accordingly. *Hertzog* v. *Hertzog,* 29 Pa. St. 465; *Spitzmiller* v. *Fisher,* 77 Iowa 289, 42 N. W. 197. A contractual intention may be shown in all cases, notwithstanding the relationship of the parties, and it may be shown by circumstances, and a contract will be implied notwithstanding the relationship where it appears that there was hope of compensation on one side and expectation to award it on the other. *Huffman* v. *Wyrick,* 5 Ind. App. 183, 31 N. E. 823. If there is no intention or expectation of payment when the services are rendered, there can be no recovery therefor. *Thurston* v. *Perry,* 130 Mass. 240; *Whaley* v. *Peak,* 49 Mo. 80. The same rule applies where one of the parties, whether a relative or not, stands toward the other in *loco parentis. Wyley* v. *Bull,* 41 Kan. 206, 20 Pac. 855; *Lippman* v. *Tittmann,* 31 Mo. App. 69.

CONTRIBUTORY NEGLIGENCE—ACTS IN EMERGENCY—EMERGENCY CAUSED BY PARTY INJURED—SAVING LIFE.—Plaintiff's intestate and a crew of six men were going to work on a hand car when they discovered a rapidly approaching train. All jumped off the car safely, but deceased voluntarily returned to the car and while attempting to remove it from the track was struck by the train and killed. Defendant requested the court to charge that if deceased was negligent and his negligent acts produced the occasion of his